

Attorney's Docket No. UNIQA-PPA2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 In re application of: Sharif et al.
Serial No.: 09/902,986
Filed: 07/11/2001
For: "Web Browser Implemented in an Internet Appliance"
Group No.: 2173
10 Examiner: Hailu, Tadesse

Via First Class Mail

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

20 BRIEF ON APPEAL (Corrected)

This corrected brief on appeal is submitted in response to a Notification of Non-Compliant Appeal Brief mailed 08-31-2005, and in a good-faith effort to comply with the requirements of 37 CFR §41.37. A separate paper requesting a 1-month extension of time and authorizing the required fee is included with this submission.

Real Party in Interest: The real parties in interest are the applicants Imran Sharif, John Bremsteller, Glen Edward Ivey, and William Knapp.

30 Related Appeals and Interferences: None.

Status of Claims: *The application contains one claim only.* Claim 1 is pending, is rejected, and is the subject of this appeal.

35 Status of Amendments: No amendment was filed subsequent to final rejection.

Summary of Claimed Subject Matter: A method for implementing a user interface in a browser application running on an Internet appliance.

5 A user interface method in a browser application is implemented in an Internet appliance (201 of FIG. 21, specification from page 5, line 6 through page 6, line 16) for accessing information on the Internet (FIG. 22). The Internet appliance includes a display device (connectable via video output 214 of FIG. 21) and uses a reduced-keyset user interface device (202 of FIG. 23, specification from page 6, line 17 through page 7, line 9)
10 for user input. The reduced-keyset user interface device has a plurality of keys consisting of direction keys (256b), numeric keys (256a), and a number of function keys (e.g., 256e and f).

A user interface screen is displayed on the display device (10 of FIG. 1(a), specification from page 7, line 13 through page 8, line 4, also in the specification from page 15 8, line 17 through page 12, line 21). The screen is divided into a primary screen area (11, FIG. 1(a)) for displaying information and at least a first (12) and a second control area (13). The first control area (12) contains one or more mode icons (14) for selecting a mode of the browser application. The second control area (13) contains one or more command icons depending on the selected mode.

20 In a navigate mode (FIG. 7, specification from page 12, line 24 through page 18, line 17), a plurality of interface elements are displayed in the primary screen area. Each displayed interface element represents a web page. Accessing one of the web pages is accomplished by invoking a command icon or an interface element in response to user input through the use of the reduced-keyset user interface device;

25 In a browse mode (FIG. 11, specification from page 18, line 20 through page 38, line 21, see also FIG. 12), page contents of a web page are displayed in the primary screen area, where the web page includes one or more interface elements. Different page contents are displayed by invoking a command icon or an interface element in response to user input through the use of the reduced-keyset user interface device.

In the navigate and/or the browse modes, indications that associate each of one or more command icons and/or interface elements with a key of the reduced-keyset user interface device are dynamically displayed. A user invokes a command icon and/or interface element in response to user input through the use of the associated key.

5

Grounds of Rejection to be Reviewed on Appeal: Whether claim 1 is patentable over U.S. Patent Application Publication No. US 2002/0060750 A1, to Istivan et al. (hereafter “Istivan”) under 35 USC 102(e).

10 **Argument:**

Introduction

For purposes of this appeal only, the applicants offer to stipulate that the Istivan published patent application is entitled to a priority date preceding the applicants' priority date of 07/11/2000.

15 The issue before the Board is whether or not Istivan anticipates every element of the applicants' claim 1, or alternatively, whether claim 1 is patentable over Istivan in combination with a general level of skill in the art at the time the applicants' invention was made.

20 **Istivan does not disclose every element of claim 1**

The preamble of the applicants' claim 1 states (lines 1 – 2) that the method is “ . . . implemented in an Internet appliance” Though the claim makes no further reference to the appliance, the specification provides sufficient detail to define the phrase “Internet appliance” as used in claim 1 (applicants' Figure 21, specification at page 2, lines 2 – 8, 25 and starting at page 5, line 6 through page 6, line 7). The applicants rely upon the rule that allows them to define their own terms.

The Istivan method is practiced in an Internet-enabled television system (Istivan specification, paragraphs 0006 and 0007), or alternatively in a set top box (the incorporated provisional patent application, serial number 60/193,046 at the bottom of 30 page 7), rather than an Internet appliance such as defined by the applicants' disclosure.

Though limitations in a claim preamble are not usually construed to limit the claim, such preamble limitations are sometimes used for such purpose when, as in the applicants' claim 1, they define a system within which a claimed method is to be practiced. The applicants request that the preamble limitation be interpreted to limit their claim.

5 An argument can be made that the applicants' method can be practiced in an Internet-enabled television system or in a set top box, but the applicants have limited their method to being practiced in an Internet appliance, as defined in the applicants' disclosure.

10 The importance of this distinction is that though the applicants can practice the remaining steps of their user interface implementation method in an Istivan device, Istivan cannot practice his method in the applicants Internet appliance—not when the full extent of the Istivan disclosure is considered. Thus, claim 1 is narrower than anything disclosed by Istivan and not anticipated.

15 Neither the Istivan publication nor the Istivan provisional patent application disclose any apparatus for practice of their disclosed methods as simple as the applicants' Internet appliance, because no platform as simple as the applicants' Internet appliance would support the functionality disclosed by Istivan.

20 Perhaps the most straightforward example of the difference between a simple Istivan user interface and a claim 1 user interface relates to the television portion of the Istivan system. Istivan discloses a system in which the television set itself, or alternatively a set top box, is used to control both TV viewing and Internet access. Claim 1 defines a user interface that permits Internet access to be displayed on a connected television set, but the TV access is not controlled or even selected using the claim 1 user interface. That is a difference that exists with a simple Istivan user interface (see the list of "must have" features listed at pages 1 – 4 of the Istivan provisional patent application, the entire

25 contents of which are incorporated by reference into the published Istivan patent application (see paragraph 0001). A reasonable conclusion is that the simplest Istivan user interface cannot be practiced on the applicants' Internet appliance platform. Thus, there is some limitation in claim 1 that is not compatible with the Istivan user interface: some limitation that is not disclosed by the Istivan reference.

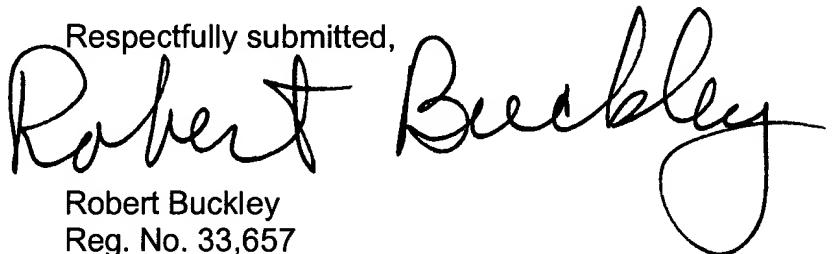
The simplicity of the Internet appliance would not have been obvious

An examination of the Istivan published patent application and also the incorporated provisional patent application reveals features that could not be practiced within the applicants' Internet appliance (nor were they ever intended to be), and thus teach away
5 from such a simple platform. The manufacturers of set top boxes and Internet-enabled television systems, in general, incorporate features that are not compatible with the simplicity of the applicants' Internet appliance, for example, the ability to receive, select, control and display standard television programming. The examiner has produced no reference that discloses or suggests the simplicity of the applicants' Internet appliance—an
10 integral limitation of the method of claim 1.

Conclusion

The applicants' claim 1 is not anticipated by, and is patentable over the cited reference in combination with the level of skill in the art at the time the invention was made.
15 The examiner has not met his burden, and the appeal should be allowed.

Respectfully submitted,


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Claim Appendix

Note: the application contains one claim only, from the rejection of which this appeal is taken

- 1 1. (original) A user interface method in a browser application implemented in an Internet
2 appliance for accessing information on the Internet, the Internet appliance having a
3 display device and using a reduced-keyset user interface device for user input, the
4 reduced-keyset user interface device having a plurality of keys consisting of direction
5 keys, numeric keys, and a number of function keys, the method comprising:
 - 6 displaying a user interface screen on the display device, the screen being
7 divided into a primary screen area for displaying information and at least a first and a
8 second control area, the first control area containing one or more mode icons for
9 selecting a mode of the browser application, the second control area containing one or
10 more command icons depending on the selected mode;
 - 11 in a navigate mode, displaying a plurality of interface elements in the primary
12 screen area, each interface element representing a web page, and accessing one of
13 the web pages by invoking a command icon or an interface element in response to user
14 input through the use of the reduced-keyset user interface device;
 - 15 in a browse mode, displaying page contents of a web page in the primary screen
16 area, the web page including one or more interface elements, and further displaying
17 different page contents by invoking a command icon or an interface element in
18 response to user input through the use of the reduced-keyset user interface device; and
 - 19 in the navigate and/or browse mode, dynamically displaying indications that
20 associate each of one or more command icons and/or interface elements with a key of
21 the reduced-keyset user interface device, and invoking a command icon and/or
22 interface element in response to user input through the use of the associated key.

Evidence Appendix

There is no evidence submitted pursuant to sections 1.130, 1.131, or 1.132 of title 37, nor entered by the Examiner and relied upon by the applicants in this appeal. If the applicants become aware of any such evidence, they will request leave to amend their brief.